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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 IN RE COLLEGE ATHLETE NIL LITIGATION

Case No.: 4:20-cv-03919-CW

Assigned to Judge Claudia Wilken

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13 **DECLARATION OF STUART C.**
14 **PLUNKETT RE NON-PARTY**
15 **NATIONAL FOOTBALL LEAGUE**
16 **PLAYERS ASSOCIATION'S**
17 **STATEMENT IN SUPPORT OF**
SEALING CERTAIN CONFIDENTIAL
BUSINESS MATERIAL IN PARTIES'
CLASS CERTIFICATION FILINGS

I, Stuart Plunkett, hereby declare:

1. I am an attorney at the law firm Alston & Bird LLP, and local counsel for Non-party National Football League Players Association (“NFLPA”) in the above-titled action. I am a member of the bar of the state of California and have sought admission Pro Hac Vice to this Court for this case. I make this declaration in support of NFLPA’s Statement in Support of Sealing Certain Confidential Business Material in the Parties’ Class Certification Filings. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the matters set forth below.

2. Pursuant to Civil Local Rule 79-5(c) and (f), NFLPA identifies the following exhibits and filings as containing non-public information where the protection of NFLPA’s proprietary interests outweigh the public’s right to full disclosure of the documents. I believe in good faith that the redactions: (1) are necessary to protect NFLPA’s confidential agreements and competitive standing, and (2) are the least restrictive means possible to protect NFLPA’s confidential information.

Document	Portion of the Document Sought to be Sealed (Pages:Lines or Exhibit)	Reasons for Sealing
	1:1-3:4	This section does not need to be sealed.
Declaration of Steven J. Scebelo in Response to Subpoena <i>Suces Tecum</i>	3:5-12	This section of the declaration contains the assignment provision of the NFLPA’s Group Licensing Agreement, which is not publicly available. Disclosure of this information would cause serious competitive injury to NFLPA.
	3:13-19	This section does not need to be sealed.
	3:20-22	This section of the declaration contains commercially-sensitive details regarding licensing practices under the NFL/NFLPA Commercial Agreement, including how group players rights are licensed for sponsorship use. Disclosure of this information would cause serious competitive injury to NFLPA.
	3:23-26	This section identifies Exhibit A, which contains highly sensitive details NFLPA’s license agreements (including specific financial figures, dates, and third-party information). Disclosure of this information would cause serious competitive injury to NFLPA.

Document	Portion of the Document Sought to be Sealed (Pages:Lines or Exhibit)	Reasons for Sealing
	3:27-4:5	This section does not need to be sealed.
	4:6-8	This section of the declaration contains commercially-sensitive details regarding NFLPA's group licensing programs, including how revenue is distributed to NFL players. Disclosure of this information would cause serious competitive injury to NFLPA.
	4:9-19	This section of the declaration contains commercially-sensitive details regarding NFLPA's group licensing revenues, including information on the players' share of the revenues. Disclosure of this information would cause serious competitive injury to NFLPA. This information is also protected by non-disclosure and/or confidentiality agreements with players [to confirm].
	4:20-26	This section of the declaration contains commercially-sensitive details regarding NFLPA's group licensing revenues, including information on the players' share of the revenues and details on specific licensees. Disclosure of this information would cause serious competitive injury to NFLPA. This information is also protected by non-disclosure and/or confidentiality agreements with the licensees [to confirm].
	4:27-5:5	This section of the declaration contains commercially-sensitive details regarding NFLPA's revenue s v Disclosure of this information would cause serious competitive injury to NFLPA.
	5:6-10	This section of the declaration contains commercially-sensitive details regarding NFLPA's engagements with licensees and sponsors for non-group licensing agreements. Disclosure of this information would cause serious competitive injury to NFLPA.
	5:11-13	This section of the declaration contains commercially-sensitive details regarding the valuation of player's rights. Disclosure of this information would cause serious competitive injury to NFLPA.
	5:14-16	This section does not need to be sealed.
	5:17-27	This section of the declaration contains commercially-sensitive details regarding NFLPA's practice of licensing player rights in connection with certain products. Disclosure of this information would cause serious competitive injury to NFLPA.
	6:1-8:3	This section does not need to be sealed.

Document	Portion of the Document Sought to be Sealed (Pages:Lines or Exhibit)	Reasons for Sealing
	Exhibit A	Exhibit A is a spreadsheet containing information related to license agreements, including specific financial figures, dates, and third-party information. Disclosure of this information would cause serious commercial and competitive injury to NFLPA. Given the presence of personal third-party information and financial information subject to nondisclosure agreements [to be confirmed], this document should be sealed in its entirety.
Supplemental Declaration of Steven J. Scebelo	1:16-3:15	This section does not need to be sealed.
	3:16-23	This section of the declaration contains commercially-sensitive details regarding the way NFLPA generates revenue from the group licensing programs and distributes it to players. Disclosure of this information would cause serious competitive injury to NFLPA.
	4:1-9	This section does not need to be sealed.
	4:10-13	This section of the declaration contains commercially-sensitive details regarding NFLPA's royalty distribution to players. Disclosure of this information would cause serious competitive injury to NFLPA.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief. Executed on September 29, 2023, in San Francisco, California.

/s/ Stuart Plunkett

Stuart C. Plunkett